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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-second session
26 October-20 November 2015
Item 4 of the provisional agenda*
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined eighth and ninth periodic reports of Portugal

General context

1. Please provide information on the effects of the financial crisis on measures to combat poverty and improve the status of women and indicate specific measures taken to redress or mitigate those effects on women.

2. The report and its annexes (CEDAW/C/PRT/8-9) contain limited sex-disaggregated data on the situation of women in the areas covered by the Convention. Please provide sex-disaggregated data pertaining to all areas covered by the Convention, including the situation of women in the Azores and Madeira, and indicate whether the State party plans to develop a specific system for the collection and analysis of such data.

Legal and institutional framework

3. Please indicate measures taken to ensure the institutionalization of equality advisers in all municipalities (para. 26).[1] Please state whether the Azores and Madeira have adopted or envisage adopting a gender mainstreaming strategy. Please indicate whether the State party has introduced at all levels — national, regional and local — effective monitoring and accountability mechanisms for the implementation of the gender mainstreaming strategy and included sanctions for non-compliance therein. Please provide information on the organization and human, technical and financial resources of the machinery for women in the Azores and Madeira.

* CEDAW/C/62/1.

[1] Unless otherwise indicated, paragraph numbers refer to the combined eighth and ninth periodic reports of Portugal.

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4. Please indicate whether the State party envisages systematically gathering data regarding cases in which the Convention was invoked before national courts in order to better monitor its effective application. Please provide information on the mandate of the National Human Rights Committee, provide data on cases of alleged sex-based discrimination against women that have been brought before the National Human Rights Committee or the Ombud and indicate whether and how cases of multiple or intersecting discrimination are dealt with by the courts, the National Human Rights Committee and the Ombud.

5. Please indicate whether the Convention, the Optional Protocol thereto and the Committee's general recommendations are being integrated into capacity-building programmes for judges, prosecutors, lawyers, police officers and other law enforcement officers.

Temporary special measures

6. Mention is made of resolution No. 19/2012, which is aimed at increasing the representation of women in decision-making positions in State-owned companies (para. 29). Please provide details on its content and implementation. Please indicate the results achieved by the temporary special measures that have been implemented to date and whether the State party envisages adopting additional temporary special measures to accelerate the practical realization of de facto equality between women and men. Given that the report is silent regarding temporary special measures implemented in the Azores and Madeira, please indicate any obstacles to the adoption and implementation of such measures.

Stereotypes and harmful practices

7. Reference is made to the second National Programme of Action for the Elimination of Female Genital Mutilation, which covered the period 2011-2013 (paras. 46-52). Please provide information on the impact of the programme, together with data on the prevalence of female genital mutilation in the State party and on the implementation of article 144 of the Penal Code, under which the practice is criminalized. Please indicate whether the State party has assessed the impact of existing measures to combat stereotyping in the media in order to identify shortcomings and improve the measures accordingly. Please also indicate whether the State party envisages adopting a comprehensive strategy to combat stereotyping in order to promote a positive image of women, including disadvantaged groups of women, such as older women, women with disabilities and women belonging to ethnic and religious minorities, including Roma women and women of African descent. Please provide information on measures taken to ensure that gender issues and sensitivity training are made an integral, substantive and mandatory component of all teacher training at all levels.

Violence against women

8. Please provide data on the prevalence of all forms of violence against women in the State party, including in the Azores and Madeira. Please indicate whether Madeira has developed an action plan to combat violence against women. Please provide information and data on the prevalence and trends of the various forms of violence against women, including domestic violence, together with detailed information collected since the consideration of the previous report on the number

of cases reported, on the number of prosecutions, convictions and sentences imposed and on the relationship between the victim and the perpetrator.

9. Please provide information on the use of restraining orders, barring orders and evictions to prevent and combat domestic violence. Please indicate whether the State party has sufficient State-funded shelters for victims of domestic violence, which should also be accessible to women with disabilities. Please provide the legal definition of sexual harassment.

Trafficking in women and exploitation of prostitution

10. Please provide information on the number of complaints received of trafficking in women and exploitation of prostitution and on investigations, prosecutions, convictions and penalties imposed. Please provide data on the prevalence of trafficking in the Azores and Madeira and indicate measures taken to tackle the issue. Please indicate whether the State party has established a mechanism to monitor and evaluate the effectiveness of the second National Plan to Combat Trafficking in Human Beings. Please provide information on efforts envisaged to further enhance the prevention of and efforts to combat trafficking in women and exploitation of prostitution, including by increasing the number of inspectors and addressing the root causes of trafficking. Please indicate measures taken and envisaged to establish additional shelters for women who are victims of trafficking throughout the country and ensure that all victims have access to adequate services and provide sufficient resources to such services.

11. Please also indicate whether the State party has adopted or envisages adopting legal and/or other measures aimed at discouraging the demand for prostitution.

Participation in political and public life

12. The Committee notes the existence of a parity law (Law No. 3/2006 of 21 August 2006), which establishes that lists of candidates for the national and European parliaments and local authorities must ensure a minimum representation of 33 per cent of persons of each sex. Please provide information on efforts made to further increase the participation of women in those bodies, as well as in other areas of political and public life, including in the Azores and Madeira, specifically through the adoption of temporary special measures to accelerate the achievement of substantive equality between women and men. Please provide data on the representation of women in all areas of political and public life and in the private sector and public enterprises, in particular in decision-making positions.

Education

13. Mention is made of the lower number of women in fields of study that are traditionally dominated by men (annex 11), but no mention is made of the situation in the Azores and Madeira. Please provide data on the professional and academic choices of women and men at all educational levels in the Azores and Madeira and indicate whether the State party envisages adopting specific measures aimed at increasing the enrolment of women in fields of study that are traditionally dominated by men. Please also indicate measures taken and envisaged to eliminate female illiteracy, in particular in rural areas and among the Roma community.

Employment

14. Please indicate further measures envisaged to eliminate horizontal and vertical occupational segregation, increase the participation of women in the management bodies of private companies, narrow and close the wage gap between women and men, ensure equal pay for work of equal value and promote equal sharing of family responsibilities. Please indicate measures taken to ensure the effective implementation of legal provisions for the elimination of discrimination against women in the workplace, including women with young children and pregnant women with fixed-term contracts in the private sector.

Health

15. Mention is made of 2,092 cases of voluntary termination of adolescent pregnancies and 3,301 births in adolescents in 2012 (paras. 108 and 109). Please provide updated data on the rate of unwanted pregnancy and abortion. Please provide information on obstacles that women may face in gaining access to abortion, such as lack of awareness of the legislation relating to voluntary interruption of pregnancy or the fact that health-care personnel may elect not to perform a termination for reasons of conscience. Please indicate whether women who have an abortion after 10 weeks of pregnancy are subject to criminal penalties.

16. It is indicated that sexual education has been compulsory in all schools since 2009 (para. 105). Please specify whether the impact of such education has been assessed and provide data on the availability and accessibility of comprehensive age-appropriate education on sexual and reproductive health and rights, the rate of contraceptive use and the prevalence of abortion, including in the Azores and Madeira.

Disadvantaged groups of women

17. Please indicate the time frame for the effective and full implementation of the asylum law (Law No. 26/2014 of 5 May 2014). Please indicate measures taken to implement a consistent national identification and protection system for asylum-seeking female victims of trafficking and to ensure that they have access to asylum procedures. Please indicate measures taken and envisaged to put an end to the detention of asylum-seeking women and girls with specific needs.

18. It is indicated that a study to collect information on Roma communities was due to be concluded in December 2014 (para. 130). Please provide information on the outcome of the study, in particular as regards women. Please indicate measures taken to increase access by Roma women to health services, including sexual and reproductive health, including mammograms and Pap smears (para. 135), and to education, including tackling the high rate at which Roma girls are dropping out of school. Please indicate measures taken to ensure that all marriages of Roma women and births of Roma girls are officially registered. Please also provide information on measures taken to eliminate discrimination against Roma women as regards their right to employment, housing, access to water and sanitation, access to public and social services and participation in public life.

19. Please provide updated information on access by older women, migrant women, women from minority groups and women with disabilities to all rights enshrined in the Convention and on the existence of programmes to eliminate discrimination against them. Please provide, in particular, information on trends

regarding sexual violence against women with disabilities and updated information on measures envisaged to tackle the feminization of poverty, including the higher rate of women in poverty among older women and women-headed households. Please also provide updated data on the provision of formal training in agriculture to women farmers.

Marriage and family relations

20. Please indicate whether the State party has undertaken or envisages undertaking a gender impact analysis of the financial crisis on maintenance payments for children and ex-spouses or partners, as well as on family solidarity, in particular the use of old-age pensions to support younger generations. If such an analysis has been undertaken, please indicate its results.